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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,439	09/05/2003	Diana K. Smetters	D/A3162	8476
35699 7590 01/25/2007 PALO ALTO RESEARCH CENTER c/o PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER	LEMMA, SAMSON B
			ART UNIT	PAPER NUMBER
			2132	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/656,439	SMETTERS ET AL.
	Examiner	Art Unit
	Samson B. Lemma	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 November 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____. _____	6) <input type="checkbox"/> Other: _____

***DETAILED ACTION***

1. This office action is in reply to an amendment filed on November 6, 2006.

**All independent claims 1, 10 and 19 are amended. Claims 1-27 are pending/examined.**

***Response to Arguments***

2. Applicant's remark/arguments filed on November 6, 2006 regarding **claims 1-27** have been fully considered but they are not persuasive.

Applicant argument is based on the reference used in rejecting the corresponding limitation recited in the independent claims 1, 10 and 19.

Applicant in particular argued that the limitation, which is now added in the independent claims, is not disclosed by the references used in the record namely, Hermann.

In order to support his argument, Applicant wrote the following.

"In contrast, the present invention provides a technique, which allows a registered user to ensure that received subject matter is genuine and originates from an authorized source (see FIG. 12 and paragraphs [0119]-[0126] of the instant application). This is beneficial because it allows the registered user to depend upon, for example, the contents of an alert message from an emergency operations center.

Note that the subject matter may be sent without being encrypted depending upon the contents of the message. There is nothing within Hermann, either explicit or implicit, which suggests providing a technique, which allows a registered user to ensure that received subject matter is genuine and originates from an authorized source."

**Examiner disagrees with the above argument.**

Examiner would point out that Hermann discloses each and every limitations of the amended independent claims as shown below.

**As per independent claims 1, 10 and 19 Hermann discloses a computer controlled method comprising:**

- **Establishing communication between a situation notification device [see , paragraph 0020, "first device"] and a provisioning device [see , paragraph 0020, "second device / servicing device"] over a preferred channel [See, paragraph 0020, "communication link"];** [paragraph 0020, lines 15-21]
- **Providing provisioning information to said situation notification device over said preferred channel,** [Paragraph 0020, lines 44-48] (After receiving the sequence, the serving device responds by sending back over a wireless broadcast medium a respond. And as it is disclosed on paragraph 0020, lines 44-48 such responds may comprises, a key, also a session key and a communication parameters which meets the limitation of provisioning information from serving device to personal device/ situation notification for further communication. In other words the personal device/ situation notification device is provided with key, session key and a communication parameters/provisioning information)

**wherein said situation notification device is automatically configured to receive subject matter information responsive to said provisioning information;** [Paragraph 0020, lines 48-49] (And the situation notification device is automatically configured to receive the encrypted information which meets the limitation of the subject matter information)

- **Receiving said subject matter information;** [Paragraph 0020, lines 48-49] (*encrypted information*)
- **Verifying said subject matter information with said provisioning information;** [Paragraph 0014] (*Only the intended receiver/ notification*)

*device receives the encrypted subject matter since it is the one that has the corresponding decryption key and the encrypted information/ subject matter information with the corresponding private key/public key/session key/provisioning information are decrypted and verified that the subject matter is sent from the right provisioning device.)*

- **Presenting said subject matter information to a user of the situation notification device responsive to the step of verifying, wherein the step of verifying ensures that the subject matter information is genuine..** [Paragraph 0014 & abstract] *(Only the intended receiver/notification device receives the encrypted subject matter since it is the one that has the corresponding decryption key. And the encrypted information/ subject matter information is presented to a user of the situation notification device only and only if the situation notification device carries the corresponding private key/public key/session key/provisioning information and successfully decrypts and verifies that the subject matter is sent from the right provisioning device, by doing so the situation notification device ensures that the subject matter information is genuine. This is simply another application of public key cryptograph, explained on paragraph 0014 and secure transmission disclosed in the abstract.)*

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., advantages / benefits that the invention provides) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It has been found that the present amendment made does not basically change the scope of the independent claims and the limitation is something, which is already disclosed, by the reference. Therefore the rejection is maintained until applicant further amend at least the independent claims and successfully overcomes the ground of rejection set forth in this office action.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. claims 1-9 are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

5. Claims 1-9 are directed to a computer controlled method which could be a program/software/set of instructions. The examiner asserts that the limitation of the above claims raise a question as to whether or not the, the limitation actually claims the program or not. The above claims would have established a statutory category of the invention if the program recited in the above claims were stored on an appropriate medium and perform the function recited on the body of the claims when the program is read and executed by the computer/processor. However the above claims are simply computer controlled method which could be programs and thus do not clearly establish a statutory category of the invention. Therefore the claim is a program per se and does not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106 IV. B. 1(a).

## ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-27** are rejected under 35 U.S.C. 102(b) as being anticipated by **Hermann, Reto** (hereinafter referred as **Hermann**) (European Patent Publication No. EP1024626A1) (Publication Date 08/02/2000) (Submitted with the Applicant's IDS)

8. **As per independent claims 1, 10 and 19** **Hermann discloses a computer controlled method comprising:**

• **Establishing communication between a situation notification device** [see , paragraph 0020, “first device”] **and a provisioning device** [see , paragraph 0020, “second device/ servicing device”] **over a preferred channel** [See, paragraph 0020, “communication link”];[paragraph 0020, lines 15-21]

• **Providing provisioning information to said situation notification device over said preferred channel,[Paragraph 0020, lines 44-48]** *(After receiving the sequence, the serving device responds by sending back over a wireless broadcast medium a respond. And as it is disclosed on paragraph 0020, lines 44-48 such responds may comprises, a key, also a session key and a communication parameters which meets the limitation of provisioning information from serving device to personal device/ situation notification for further communication. In other words the personal device/ situation notification device is provided with key, session key and a communication parameters/provisioning information)*

**wherein said situation notification device is automatically configured to receive subject matter information responsive to said provisioning information;** [Paragraph 0020, lines 48-49] (And the situation notification device is automatically configured to receive the encrypted information which meets the limitation of the subject matter information)

- **Receiving said subject matter information;** [Paragraph 0020, lines 48-49] (encrypted information)
- **Verifying said subject matter information with said provisioning information;** [Paragraph 0014] (Only the intended receiver/notification device receives the encrypted subject matter since it is the one that has the corresponding decryption key and the encrypted information/subject matter information with the corresponding private key/public key/session key/provisioning information are decrypted and verified that the subject matter is sent from the right provisioning device.)
- **Presenting said subject matter information to a user of the situation notification device responsive to the step of verifying,** wherein the step of verifying ensures that the subject matter information is genuine.. [Paragraph 0014 & abstract] (Only the intended receiver/notification device receives the encrypted subject matter since it is the one that has the corresponding decryption key. And the encrypted information/subject matter information is presented to a user of the situation notification device only and only if the situation notification device carries the corresponding private key/public key/session key/provisioning information and successfully decrypts and verifies that the subject matter is sent from the right provisioning device, by doing so the situation notification device ensures that the subject matter information

*is genuine. This is simply another application of public key cryptograph, explained on paragraph 0014 and secure transmission disclosed in the abstract.)*

**9. As per claims 2, 11 and 20 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein the step of providing further comprises:**

**exchanging key commitment information over said preferred channel between said provisioning device and said situation notification device; [paragraph 0020]**

**receiving a public key by said situation notification device; [paragraph 0021, line 39] verifying said public key with said key commitment information [Paragraph 0021, lines 41-42] [the serving device, inherently verifies the password or the public key sent by the personal device before responding to the personal device. After verification, the service device sends back a communication parameters for further communication to the personal device]; and receiving a credential authorized by a credential issuing authority. [paragraph 0022]**

**10. As per claims 3, 12 and 21 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said preferred channel is a location-limited channel. [paragraph 0020, lines 20-21]**

**11. As per claims 4, 13 and 22 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein, wherein said preferred channel uses a telephone switching system. [paragraph 0025-0026 and 0041-0042]**

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12. As per claims 5, 14 and 23 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said preferred channel has a demonstrative identification property and an authenticity property. [paragraph 0027]

13. As per claims 6, 15 and 24 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein subject matter information is received using an antenna, a telephone line, a local area network, a wide area network, a wireless network, or a broadcast network. [paragraph 0041-0042]

14 As per claims 7, 16 and 25 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, wherein said situation notification device is a computer, a television, a radio, a telephone, a push to talk device, a pager, a clock, a thermostat, a network appliance, or a home appliance. [paragraph 0039]

15 As per claims 8-9, 17-18 and 26-27 Hermann discloses a computer controlled method as applied to claims above. Furthermore, Hermann discloses a method, further comprising forwarding said subject matter information, wherein said subject matter information is alarm information. [Paragraph 0039, lines 44-46]

### **Conclusion**

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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